

Chapter 5.48**TAXICABS--VEHICLES FOR HIRE**

(1368-12/67, 1882-1/74, 2032-2/76, 2088-8/76, 2140-1/77, 2288-8/78, 2633-8/83, 3043-7/90, 3161-8/92, 3377-12/97)

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5.48.010 Definitions. For the purpose of this ordinance, the words and phrases herein defined shall be construed in accordance with the following definitions: (3377-12/97)

- (a) "City" means the City of Huntington Beach. (3377-12/97)
- (b) "City authorization" means City authorization to operate a taxicab business in the City. (3377-12/97)
- (c) "Driver" means a person who drives or controls the movements of a taxicab. (3377-12/97)
- (d) "Driver's Permit" means a valid permit issued by OCTAP authorizing a person to drive or control the movements of a taxicab. (3377-12/97)
- (e) "OCTAP" means the Orange County Taxi Administration Program administered by the Orange County Transportation Authority. (3377-12/97)
- (f) "Operate a taxicab" means to drive a taxicab and either solicit or pick up passengers for hire in the City. (3377-12/97)
- (g) "Owner" means the registered owner or lessor of a taxicab. (3377-12/97)
- (h) "Person" includes natural person, firm, association, organization, partnership, business, trust, corporation, or public entity. (3377-12/97)
- (i) "Taxicab" means a vehicle operated within the jurisdiction of the City, capable of carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. The term shall exclude a vehicle operating as a Charter Party Carrier licensed as such by any state agency, including the Public Utilities Commission, or any other vehicle having a Certificate of Public Convenience and Necessity issued by any state agency, including the Public Utilities Commission. (3377-12/97)
- (j) "Taxicab Business Permit" means a valid permit issued by OCTAP authorizing a person to operate a taxicab business. (3377-12/97)

- (k) "Taxicab Vehicle Permit" means a valid permit issued by OCTAP authorizing a particular vehicle to be operated as a taxicab. (3377-12/97)

5.48.020 City Authorization Required. (3377-12/97)

- (a) A person shall only operate a taxicab if the owner of that taxicab is authorized by the City to operate a taxicab business in the City. (3377-12/97)
- (b) An owner shall only allow a taxicab owned by the owner to be operated if the owner is authorized by the City to operate a taxicab business in the City. (3377-12/97)
- (c) The procedures for City authorization to operate a taxicab business in the City shall be established by separate Resolution or Ordinance of the City Council. (3377-12/97)

5.48.030 Driver's Permit Required. A person shall only operate a taxicab if that person possesses a Driver's Permit and if City authorization has been obtained. An owner shall only allow a driver to operate a taxicab owned by the owner if that driver possesses a Driver's Permit and if City authorization has been obtained. (3377-12/97)

5.48.040 Taxicab Vehicle Permit Required. A person shall only operate a taxicab if that vehicle displays a Taxicab Vehicle Permit and if City authorization has been obtained. An owner shall only allow a taxicab owned by the owner to be operated in the City if that vehicle displays a Taxicab Vehicle Permit and if City authorization has been obtained. (3377-12/97)

5.48.050 Taxicab Business Permit Required. A person shall only operate a taxicab business in the City if that person possesses a Taxicab Business Permit and if City authorization has been obtained. (3377-12/97)

5.48.060 Application for Permits. Application for a Driver's Permit, Taxicab Vehicle Permit or Taxicab Business Permit shall be made to OCTAP, upon a form provided by OCTAP and shall be accompanied by an application fee sufficient to cover the administrative costs of processing said application as established by the Orange County Transportation Authority. (3377-12/97)

5.48.070 Testing for Controlled Substances and Alcohol. A driver shall test negative for controlled substances and alcohol as required by applicable state statutes. (3377-12/97)

5.48.080 Insurance Required. A driver operating a taxicab in the City shall carry with him/her at all times proof of insurance covering that vehicle, with such policy limits and coverage as established by OCTAP and adopted by separate resolution of the City Council. Said proof of insurance must clearly identify the vehicle covered. (3377-12/97)

5.48.090 Nontransferability. No permit issued under this Ordinance shall be assigned to, or used by, any person or vehicle other than the person or vehicle named in such permit. (3377-12/97)

5.48.100 Equipment. A taxicab operated under the authority of this Ordinance shall be equipped according to the standards established by OCTAP and adopted by separate resolution of the City Council. (3377-12/97)

5.48.110 Mechanical Condition. A taxicab operated under the authority of this Ordinance shall be maintained according to the standards established by OCTAP and adopted by separate resolution of the City Council. (3377-12/97)

5.48.120 Operational Requirements. (3377-12/97)

- (a) A driver shall only carry a passenger to his/her destination by the most direct and accessible route. (3377-12/97)
- (b) A taxicab shall have all permits issued by OCTAP conspicuously displayed according to the standards established by OCTAP and adopted by separate resolution of the City Council. (3377-12/97)
- (c) A taxicab shall have the following information continuously posted in a prominent location in the taxicab passenger's compartment according to the standards established by OCTAP and adopted by separate resolution of the City Council: (3377-12/97)
 - 1. A schedule of rates and charges for the hire of said taxicab; (3377-12/97)
 - 2. The driver's name and address; (3377-12/97)
 - 3. The owner's name, address and telephone number; (3377-12/97)
 - 4. The taxicab identification number; (3377-12/97)
 - 5. The Driver's Permit issued pursuant to this Ordinance; (3377-12/97)
 - 6. The Taxicab Vehicle Permit issued pursuant to this Ordinance; and (3377-12/97)
 - 7. Any other information required by the City. (3377-12/97)
- (d) A driver shall give a receipt for the amount charged upon the request of the person paying the fare. (3377-12/97)
- (e) A taxicab shall only be operated if the passenger compartment is kept in a clean and sanitary condition. (3377-12/97)
- (f) A driver shall not leave his taxicab to solicit passengers. (3377-12/97)
- (g) The name or trade name of the owner and the number by which the taxicab is designated shall be printed, stamped or stenciled conspicuously on the outside of each taxicab according to the standards established by OCTAP and adopted by separate resolution of the City Council. (3377-12/97)

5.48.130 Rates and Charges. No driver shall charge rates and charges other than those established by OCTAP and adopted by separate resolution of the City Council. (3377-12/97)

5.48.140 Separate from Business Licensing. The requirements of this Ordinance are separate and independent from the business licensing and any other provisions under the City Code. (3377-12/97)

5.48.150 Penalty. The City intends to secure compliance with the provisions of this Ordinance by any of the following alternate, separate and distinct methods. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each day a violation exists constitutes a separate offense. (3377-12/97)

Notwithstanding any other provision of this Ordinance, each violation of the provisions of this Ordinance may be enforced alternatively as follows: (3377-12/97)

- (a) Infraction. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance may be prosecuted for an infraction. Written citations for infractions may be issued by police officers. Any person convicted of an infraction under the provisions of this Ordinance shall be punished either by fines as specified in the currently adopted Uniform Infraction Bail Schedule used by the Orange County Municipal Courts, or, where no fine is specified therein, by: (3377-12/97)
1. A fine not exceeding one hundred dollars (\$100.00) for a first violation; (3377-12/97)
 2. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one year; (3377-12/97)
 3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one year. (3377-12/97)
- (b) Misdemeanor. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance may be prosecuted for a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. (3377-12/97)
- (c) Civil Action. The City Attorney by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Ordinance, as provided by law. (3377-12/97)
- (d) Administrative Hearing. (3377-12/97)
1. Upon a finding by the city official vested with the authority to enforce the various provisions of this Ordinance that a violation exists, he/she may notify the person(s) deemed responsible for said violation(s) that a public hearing shall be held before the City Council to hear and determine the existence of said violation(s) and the anticipated compliance necessary, i.e. abatement or other action required. (3377-12/97)
 2. Said notification shall be in writing setting forth the alleged violation(s) and the anticipated action sought, and shall be given not later than ten days prior to the scheduled date of the hearing. (3377-12/97)
 3. The City Council may preside over the hearing or, in the alternative, appoint a hearing officer to conduct the hearing, receive relevant evidence and to submit to the City Council findings and recommendations to be considered by the City Council. (3377-12/97)
 4. The City Council shall render its decision within forty-five (45) days from the date of the hearing or, in the event that a hearing officer has been appointed, within forty-five (45) days from the date on which the City Council receives the findings and recommendations of the hearing officer. The decision of the City Council shall be final and enforceable as provided by law. (3377-12/97)

